

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**DONNA BROWN**

**PLAINTIFF**

**VS.**

**CASE NO. 5:05CV0064**

**FRED'S STORES OF TENNESSEE, INC.**

**DEFENDANT**

**ORDER STAYING EXECUTION OF JUDGMENT**

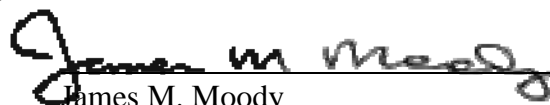
Pending is the motion of Defendant, Fred's Stores of Tennessee, Inc. for stay of execution of judgment pending appeal. (Docket #91). A jury trial was held in this matter May 2 - 3, 2006. Following the presentation of evidence the jury returned verdicts in favor of Plaintiff, Donna Brown. The jury awarded compensatory damages in the amount of \$4,109.20 and found that Fred's conduct was willful. On May 5, 2006 the Court awarded Plaintiff \$4,109.20 in liquidated damages. On June 29, 2006 the Court entered an Order granting Plaintiff attorneys' fees in the amount of \$16,340.00. Fred's filed its notice of appeal on July 5, 2006.

Fed. R. Civ. P. 62(d) provides as follows:

When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal or of procuring the order allowing the appeal, as the case may be. The stay is effective when the supersedeas bond is approved by the court.

Defendant filed a supersedeas bond securing the payment of all costs and damages that may be affirmed against it on appeal. Accordingly, Defendant's motion for stay of execution of judgment pending appeal is GRANTED.

IT IS SO ORDERED this 2<sup>nd</sup> day of August, 2006.

  
James M. Moody  
United States District Judge